REMARKS

Claims 1-5, 13-23, 27, 28, 32 and 35-63 have been amended. No claims have been added or cancelled. Claims 1-63 are pending in the application. Reconsideration is respectfully requested in light of the following remarks.

Objection to the Title:

The Examiner objects to the title as not being descriptive and indicative of the invention to which the claims are directed. Applicants respectfully disagree with the Examiner and assert that the current title, "Secure Access to Managed Network Objects using a Configurable Platform-Independent Gateway", is both descriptive and indicative of Applicants' invention. The Examiner states that the present title is not sufficient for proper classification of the claimed subject matter. Applicants request that the Examiner explain exactly what he feels is lacking from the title that results in an inability to classify the claimed subject matter.

The Examiner has previously suggested adding "CORBA" to the title. However, the present title includes, "a Configurable Platform-Independent Gateway", of which a CORBA gateway is but one example. As the invention is not limited to only CORBA embodiments, adding the word "CORBA" to the title would unreasonably limit the title and thus clearly misrepresent the present invention. Other than the word "CORBA", the title has already been changed to exactly what the Examiner himself suggested. Accordingly, Applicants respectfully request withdrawal of the objection to the title.

Claim Objections:

In light of the amendments indicated above, Applicants request removal of the objections to claims 1, 16-19, 35-38, 54-58 and 61-63.

Drawings Objections:

The Examiner has requested new corrected drawings asserting, "Figures 1A through 15 do not show" various terms recited in Applicants' claims. Applicants respectfully traverse this objection. The Examiner cites portions of Applicants claims and emphases various words or phrases. For instance, the Examiner cites, "wherein the gateway is configurable to provide object-level access control between the managers and the managed object to receive the events from or to send the requests to the managed objects" (underlining by the Examiner). However, the drawings clearly show the various features, elements and entities recited in Applicants claims, such as the gateway, managers, and managed objects. There is no requirement that every single word in the claims appear in the drawings. Instead, 37 CFR 1.83 only requires that every *feature* of an invention be illustrated in the drawings. The written disclosure may describe and explain what functions, actions and behaviors may be performed by the different features and according to various embodiments. Thus for example, Fig. 7 illustrates a manager application 206, a Request Gateway 304, three managed devices 710, and requests 702 and 706, while the written disclosure (see pages 28-29) describe how the gateway is used to deliver requests to the managed objects. Similarly, the written disclosure (see pages 21-25) also describes how such a gateway may deliver events to managers and manager applications. Moreover, there is no requirement that the drawings illustrate every possible embodiment of the invention. Applicants' complete disclosure, including the drawings and the written description clearly illustrate and describe all features and functionality of the claimed subject matter. As such, Applicants respectfully request removal of the Examiner's objection to the drawings.

Double Patenting Rejections:

The Examiner rejected claims 1-63 under the judiciary created doctrine of obviousness-type double patenting as being unpatentable over claims 1-44, 1-30, 1-34, and 1-34 of U.S. Patents 6,839,748, 6,813,770, 6,915,324, and 6,950,935, respectively. Applicants traverse this rejection on the grounds that the Examiner has not stated a proper

prima facie rejection. The only support given by the Examiner for the rejection is "[w]ith CORBA/TMN teachings it would be obvious to one of ordinary skill in the art to include the concept of using SAP and proxy agents." However, a simple assertion that it would have been obvious is not a proper reason for holding the claims of the present application obvious from the claims of the listed applications. According to MPEP 804.II.B.1, "the analysis employed in an obviousness-type double patenting determination parallels the guidelines for a 35 U.S.C. 103(a) rejection." This section of the MPEP also states that the same "factual inquires ... that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are employed when making an obviousness-type double patenting analysis." MPEP 804.II.B.1 also states that the Examiner should list the differences between **each** rejected claim and the claims of the other patent/application, and for **each** difference the Examiner should give the reasons why a person of ordinary skill in the art would conclude that the invention defined in the claim is an obvious variation of the invention defined in a claim of the other patent/application. Simply stating that "it would have been obvious" is not a valid reason why a person of ordinary skill in the art would conclude that the invention defined in each claim is an obvious variation of the invention defined in a claim of the other patent/application. Nor has the Examiner specifically addressed **each difference** of **each claim** of the present application compared to the claims of the other applications. Instead, the Examiner improperly lumped all the claims together and did not address each specific difference. The Examiner clearly has not met the requirements stated in MPEP 804.II.B.1 to establish a *prima facie* obviousness-type double patenting rejection. Accordingly, Applicants respectfully request removal of the double patenting rejection of claims 1-63.

The Examiner provisionally rejected claims 1-63 under the judiciary created doctrine of obviousness-type double patenting as being unpatentable over claims 1-39 of copending application Serial No. 09/552,984, claims 1-45 of copending application Serial No. 09/557,068, and claims 1-45 of copending application Serial No. 09/552,985. The instant application and the 09/552,984, 09/557,068, and 09/552,985 applications are all pending patent application, not issued patents. If and/or when these rejections become

non-provisional, Applicants will consider filing a terminal disclaimer or present reasons traversing the rejections.

Section 112, Second Paragraph, Rejection:

The Office Action rejected claims 1, 3, 4, 13, 16-23, 27, 28, 32, 35-39, 40-42, 46, 47, 51 and 54-63 under 35 U.S.C. § 112, second paragraph, as being indefinite.

Applicants respectfully traverse the § 112, second paragraph, rejection of claims 22, 23, 35, 36, 41, 42, 54 and 55, which the Examiner rejected asserting that there is insufficient antecedent basis for the phrase "the requests" and contending that since multiple "requests" exist in the claim, "it is not clear which 'requests' is referred [to] by the limitations in the claim". However, each of claims 22, 23, 35, 36, 41, 42, 54 and 55 dependent from a respective independent claim that only recites a single request. For instance, claim 22 depends from independent claim 20. The first instance of the term "request" in claim 20 is "to send a request". Every other instance of "request", both in claim 20 and in dependent claim 22 recites, "the request". Thus, there is only one request recited in claims 20 and 22, thus providing clear antecedent basis for "the request" in claim 22. Similarly, claims 23, 35, 36, 41, 42, 54 and 55 depend from independent claims that recite only one request, thus providing correct antecedent basis for "the request" in claims 23, 35, 36, 41, 42, 54 and 55. Accordingly, Applicants respectfully request withdrawal of the § 112 rejection of claims 22, 23, 35, 36, 41, 42, 54 and 55.

Applicants also respectfully traverse the § 112, second paragraph, rejection of claims 21, 27, 28, 32, 35-37, 40, 46, 47, 51 and 54-56. The Examiner argues that these claims include insufficient antecedent basis for the phrase "the managed object". However, these claims depend from independent claims, each reciting "one of a plurality of managed objects" and "the one of the plurality of managed objects." Applicants assert that the language of the respective independent claims provides sufficient antecedent basis for the phrase "the managed object" in each of claims 21, 27, 28, 32, 35-37, 40, 46, 47, 51, 54-56. However, in an attempt to speed up prosecution, these claims have been

amended for further clarity. Applicants respectfully request removal of the § 112 rejection of claims 21, 27, 28, 32, 35-37, 40, 46, 47, 51 and 54-56.

Although Applicants maintain that claims 1, 3, 4, 13, 16, 17, 18, 19, 20, 21-23, 32, 37, 38, 39, 40-42, 51, 56, 57, 58, 59, 60, 61, 62 and 63 were already in complete compliance with § 112, Applicants have also amended these claims to speed up prosecution of the application. Applicants respectfully request removal of the § 112 rejection of these claims as well.

Section 103(a) Rejection:

The Examiner rejected claims 1, 5-7, 16-17, 20, 24-26, 28, 35-36, 39, 43-45, 47, 54-55 and 58-60 under 35 U.S.C. § 103(a) as being unpatentable over Barker et al. (U.S. Patent 6,363,421) (hereinafter "Barker") in view of Bowman-Amuah (U.S. Publication 2003/0058277) (hereinafter "Bowman") and JIDM Interaction Translation, Initial Submission to OMG's CORBA/TMN Internetworking RFP, Edition, 4.0, February 1998 (hereinafter "CORBA/TMN").

Regarding claim 1, contrary to the Examiner's assertion, the combination of Barker, Bowman and CORBA/TMN fails to teach or suggest a gateway configurable to provide object-level access control between the one or more managers and the managed objects to receive the one or more events from or to send the one or more requests to the managed objects, where the object-level access control is provided at an individual object level so that one or of the one or more managers is granted access to one of the managed objects while being prevented from interfacing with a different one of the managed objects.

Barker discloses a system including "access control based on client name and password" (Barker, column 8, lines 45-46). Barker describes this as "a method of *client based* access control of network elements" (emphasis added, Barker, column 30, lines 45-46). Further, Barker summarizes his access control features as "the *client based access*

control ... provides a means to restrict access on a *command/client basis*", and does not describe his access control features as restricting access at the object level (emphasis added, Barker, column 31, lines 10-12).

The Examiner asserts that Barker teaches a gateway configurable to provide "object-level control", referring to the use of a naming service and citing column 8, line 53 – column 9, line 19, and column 7, lines 47-63. The Examiner is incorrect. These passages of Barker only refer to Barker's use of EMAPI, CORBA, Java, C++ and SNMP, but fail to mention anything regarding any sort of "object level control". Although Java and C++ are object-oriented programming languages, that does not imply any sort of object-level control for delivering events to or receiving requests from managed objects as recited in claim 1, contrary to the Examiner's assertion. Additionally, "object-level control" (as stated by the Examiner) is not the same as "object-level *access* control" (as recited in claim 1). Controlling an object and control access to that object are two very different things. Thus, the Examiner's comments in regard to the teachings of Barker are not relevant to the actual limitations recited in claim 1.

Bowman teaches a system for assigning a particular view to an activity based on the notification of a startup event of the activity and a reference to an instance of an object created by the startup event. Bowman's system launches and displays a view associated with the activity based on predetermined criteria. The Examiner contends that Bowman teaches "the well-known concept of usage at individual object level" and cites paragraphs 3499, 3711, 4219 and 4499. However, at two of the Examiner's cited paragraphs Bowman teaches that individual objects may utilize "Individual Persistence" such that "each domain object or class can retrieve, update, insert, and delete its data from a persistent store independently of other objects or classes" (Bowman, paragraphs 4219 and 4499). The other two cited paragraphs (3499 and 3711) appear to be irrelevant to "usage at an individual object level." Paragraph 3499 merely states that a CORBA Naming Service is used to lookup Globally Addressable Interfaces (GAIs) and paragraph 3711 states that, using CORBA, one system can send information to another and that CORBA may convert the structure of the information into a network appropriate format

for transmission and reformat it on the receiving end. It is unclear how "usage at an individual object level" relates to object-level access control. **The fact that Bowman teaches that object oriented programming objects can individually retrieve, update, insert and delete data has absolutely no relevance to object-level access control.** Additionally, even if it were proper to combine the references, the combination of Barker and Bowman would at most result in Barker's system, including client-based access control, where the objects in Barker's system can utilize "Individual Persistence" as taught in Bowman. Such a combination does not teach or suggest anything about object-level access control for delivering events to or receiving requests from managed objects as recited in claim 1.

The Examiner relies on CORBA/TMN to teach "access control", citing page 4-62. However, CORBA/TMN uses a completely different type of access control from object-level access control. CORBA/TMN teaches domain-based access control. For example, CORBA/TMN states that objects (both managed and manager) are grouped into domains and that domains "are considered the unit of accessibility" and that each domain, "may have any number of objects within it" (CORBA/TMN, page 2-8, paragraph 7). Objects must gain access to a target object's domain and can then access any object within that domain. Thus, CORBA/TMN teaches domain-level access control, not object-level access control.

The Examiner argues that the "object-level control" of Barker combined with the "concept of usage at individual object level" of Bowman and further combined with the domain-based "access control" of CORBA/TMN somehow teaches or suggest the specific limitation of providing object-level access control between managers and managed objects to receive the one or more events from or to send the one or more requests to the managed objects, where the object-level access control is provided at an individual object level, as recited in Applicants' claim 1. The Examiner's position is completely unsupported by the teachings of the cited art. None of the references, either alone or in combination teach or suggest object-level access control between managers and managed objects to receive the one or more events from or to send the one or more

requests to the managed objects, where the object-level access control is provided at an individual object level, as recited in Applicants' claim 1. Instead, as shown above, both Barker and CORBA/TMN teach access control that is specifically not provided at an individual object level. The access control of Barker is at the client level, and the access control of CORBA/TMN is at the domain level. Bowman is completely silent in regard to any type of access control for receiving events from or sending requests to managed objects.

The Examiner's combination of Barker, Bowman and CORBA/TMN does not in any way teach or suggest a gateway that is configurable to provide object-level access control between the one or more managers and the managed objects to receive the one or more events from or to send the one or more requests to the managed objects, where the object-level access control is provided at an individual object level so that one or of the one or more managers is granted access to one of the managed objects while being prevented from interfacing with a different one of the managed objects, as recited in claim 1. Instead, even if the combination of references was proper, the Examiner's proposed combination of Barker, Bowman and CORBA/TMN would at most result only in the CORBA-based remote management system of Barker, that allows object oriented programming objects to retrieve, update, insert, and delete its data from a persistent store independently of other objects as taught by Bowman and that also includes domain-level access control as taught by CORBA/TMN. Thus, the Examiner's proposed combination of Barker, Bowman and CORBA/TMN clearly does not teach all the limitations of Applicants' claim 1. As the Examiner is surely away, to establish a *prima facie* obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974), MPEP 2143.03. Obviousness cannot be established by combining or modifying the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion or incentive to do so. *In re Bond,* 910 F. 2d 81, 834, 15 USPQ2d 1566, 1568 (Fed. Cir. 1990). Since, as shown above, the Examiner's combination of Barker, Bowman and CORBA/TMN fails to teach all the limitations of Applicants' claim 1, the Examiner has failed to provide a *prima facie* rejection.

Moreover, there is no motivation found in the evidence of record to combine the teachings of the cited art in a way that would result in Applicants' claimed invention. The rejection of claim 1 is clearly a case of the Examiner simply attempting to identify features of Applicants' claimed invention in disparate references. The Examiner is clearly attempting a piecemeal reconstruction of Applicants' invention in hindsight without considering the claimed invention as a whole. Such reconstruction is improper. *See, e.g., Interconnect Planning Corp. v. Feil*, 774 F.2d 1132, 1143, 227 USPQ 543, 551 (Fed. Cir. 1985) (it is insufficient to select from the prior art the separate components of the inventor's combination, using the blueprint supplied by the inventor); *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 1051-52, 5 USPQ 2d 1434, 1438 (Fed. Cir. 1988) (it is impermissible to reconstruct the claimed invention from selected pieces of prior art absent some suggestion, teaching, or motivation in the prior art to do so). The Examiner cannot use the claimed invention as an instruction manual or "template" to piece together the teachings of the prior art so that the claimed invention is rendered obvious. *In re Fritch*, 23 USPQ 2d 1780, 1784 (Fed. Cir. 1992). "One cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention." *In re Fine*, 837 F.2d 1071, 1075, 5 USPQ 2d 1596, 1600 (Fed. Cir. 1988).

The Examiner merely states that it would have been obvious to combine the teachings of Barker and Bowman "because the concept of accessing individual object level would enhance supporting event / request by the object." This statement by the Examiner is found nowhere in any evidence of record and thus can only have come in hindsight from Applicants' own teachings. An obviousness claim that lacks factual evidence of a suggestion or motivation for one of skill in the art to combine prior art references to produce the claimed invention is defective as hindsight analysis. In addition, the showing of a suggestion, teaching, or motivation to combine prior teachings "must be clear and particular. Broad conclusory statements regarding the teaching of multiple references, standing alone, are not 'evidence'." *In re Dembiczak*, 175 F.3d 994, 50 USPQ2d 1614 (Fed. Cir. 1999). The art must fairly teach or suggest to one to make

the specific combination as claimed. That one achieves an improved result by making such a combination is no more than hindsight without an initial suggestion to make the combination. Such an initial suggestion must be supported by evidence of record. The Examiner's stated motivation is merely a desired result from the combination in an attempt to reconstruct Applicants' claimed invention, not a suggestion or motivation to combine Barker and Bowman.

The Examiner has also failed to state a proper motivation to combine the teachings of CORBA/TMN with those of Barker and Bowman. The Examiner states that it would have been obvious to combine the teachings of Barker and Bowman with those of CORBA/TMN "because the concept of accessing a single object would enhance supporting event/request for the particular object." The Examiner also states that "prevention of accessing the other object when accessing the object would enhance supporting event/request specific to the object and not in common with the other object". These statement by the Examiner are found nowhere in any evidence of record and thus can only have come in hindsight from Applicants' own teachings. None of the cited art suggests "prevention of accessing the other object when accessing the object would enhance supporting event/request specific to the object and not in common with the other object". The Examiner has again merely stated a desired result from the combination in an attempt to reconstruct Applicants' claimed invention, not a suggestion or motivation to combine the teachings of CORBA/TMN with those of Barker and Bowman.

Whether a motivation to combine prior art references has been demonstrated is a question of fact. *Winner Int'l Royalty Corp. v. Wang*, 202 F.3d 1340, 1348, 53 USPQ2d 1580, 1586 (Fed. Cir. 2000). The statute clearly places the burden of proof to satisfy the question of fact on the Examiner which requires him to produce the factual basis for his rejection. *In re Warner*, 154 USPQ 173, 177 (C.C.P.A. 1967), *cert. denied*, 389 U.S. 1057 (1968). **The Examiner has completely failed to meet his burden of proof since the Examiner has not provided any factual evidence showing a suggestion of desirability to combine Barker, Bowman and CORBA/TMN.** "The factual inquiry whether to combine references must be thorough and searching." *McGinley v. Franklin*

Sports, Inc., 60 USPQ2d 1001, 1008 (Fed. Cir. 2001). It must be based on objective evidence of record. "This precedent has been reinforced in myriad decisions, and cannot be dispensed with." *In re Lee*, 61 USPQ2d 1430, 1433 (Fed. Cir. 2002). "A showing of a suggestion, teaching, or motivation to combine the prior art references is an essential component of an obviousness holding." *Brown & Williamson Tobacco Corp. v. Philip Morris Inc.*, 56 USPQ2d 1456, 1459 (Fed. Cir. 2000). The Federal Circuit has stated: "Our case law makes clear that the best defense against the subtle but powerful attraction of a hindsight-based obviousness analysis is rigorous application of the requirement for a showing of the teaching or motivation to combine prior art references." The need for specificity pervades this authority. *See, e.g., In re Kotzab*, 217 F.3d 1365, 1371, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000) ("particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed"); *In re Rouffet*, 149 F.3d 1350, 1359, 47 USPQ2d 1453, 1459 (Fed. Cir. 1998) ("the [Examiner] must identify specifically the principle, known to one of ordinary skill, that suggests the claimed combination. In other words, the [Examiner] must explain the reasons one of ordinary skill in the art would have been motivated to select the references and to combine them to render the claimed invention obvious."); *In re Fritch*, 972 F.2d 1260, 1265, 23 USPQ2d 1780, 1783 (Fed. Cir. 1992) (the examiner can satisfy the burden of showing obviousness of the combination "only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references").

Furthermore, Barker teaches away from object-level access control. Barker teaches that a client can specify a range of managed object instance identifiers, or even *request all instances* in a managed object call through the managed object instance identifier parameter (Barker, column 25, lines 27-28). Hence, Barker teaches that once a client has been properly authenticated at the start of a session, that client may then register for attribute update notification for a number of managed objects through a single call. Such functionality is clearly not compatible with object-level access control, and thus Barker clearly teaches away from object-level access control, wherein the object-

level access control is provided at the individual object level so that one of the managers is granted access to one of the managed objects while being prevented from interfacing with a different one of the managed objects. Thus, Barker actually teaches away from the Examiner's proposed combination of Barker, Bowman and CORBA/TMN. References that teach away cannot serve to create a prima facie case of obviousness. *In re Gurley*, 27 F.3d 551, 553, 31 USPQ2d 1131, 1132 (Fed. Cir. 1994). Moreover, since Barker teaches away from object-level access control, modifying Barker to use object-level access control would necessarily change the principle of operation of Barker's system. As the Examiner is surely away, if the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious; M.P.E.P. § 2143.01; and *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959).

Thus, for at least the reasons above, the rejection of claim 1 is not supported by the prior art and removal thereof is respectfully requested. Similar remarks as those above regarding claim 1 also apply to claims 58.

Regarding claim 20, the combination of Bowman, Barker and CORBA/TMN does not teach or suggest determining on a managed object level whether or not the manager application is allowed to receive an event generated by one of a plurality of managed objects or to send a request to the one of the plurality of managed objects as a function of the identity of the user of the manager application. The Examiner cites column 7, lines 47-63 and column 8, line 53 – column 9, line 19 of Barker. However, the cited passages do not mention anything about determining *on a managed object level* whether or not a manager application is allowed to receive an event generated by a managed object or send a request to a managed object as a function of the identity of the user of the manager application. Instead, these passages of Barker only refer to his use of EMAPI, CORBA, Java, C++, and SNMP, but fail to mention anything regarding any sort of access control for any portion of Barker's system. The Examiner has not cited any particular portion in Barker that describes the features the Examiner is attributing to Barker's system. In fact,

the Examiner is incorrectly assuming that Barker's use of CORBA and the IIOP protocol includes object level access control such that one of the managers is granted access to one of the managed objects while being prevented from interfacing with a different one of the managed objects.

Barker further teaches the use of a single service object "to provide services for a class of managed objects" (underlining added) (Barker, column 14, lines 42-43) and that the EM server "will implement one application-specific service object for each type of physical or logical resource to be managed" (underlining added) (Barker, column 39, lines 60-62). Applicants assert that access control on a command/client basis while using a single service object for *each class* of managed object actually teaches away from determining *on a managed object level* whether or not the manager application is allowed to send a request to the managed object. As note above

Furthermore, Barker fails to disclose that access for the manager application to receive the event or send the request is approved or denied for said one of the plurality of managed objects at the individual object level so that the manager application is granted access to one of the plurality of managed objects while being prevented from interfacing with a different one of the plurality of managed objects. Instead, Barker discloses a method "of *client based* access control of network elements" (emphasis added, Barker, column 30, lines 45-46) that "provides a means to restrict access on a *command/client basis*" (emphasis added, Barker, column 31, lines 10-12). Barker does not describe his access control features as restricting access at the object level. Please refer to Applicants arguments above regarding claim 1 for a more detailed discussion regarding Barker's failure to teach object level access control.

Bowman and CORBA/TMN are not relied upon by the Examiner to teach this limitation, nor do they overcome the above-noted deficiencies of Barker regarding determining on a managed object level whether or not the manager application is allowed to receive an event generated by one of a plurality of managed objects or to send a request to the one of the plurality of managed objects as a function of the identity of the

user of the manager application. Or about where access for the manager application to receive the event or send the request is approved or denied for said one of the plurality of managed objects at the individual object level so that the manager application is granted access to one of the plurality of managed objects while being prevented from interfacing with a different one of the plurality of managed objects. Thus, the Examiner's combination of Barker, Bowman and CORBA/TMN does not teach or suggest the limitations of Applicants' claim 20.

For at least the reasons given above, the rejection of claim 20 is not supported by the prior art and its removal is respectfully requested. Similar remarks as discussed above in regard to claim 20 apply to claims 39, 59, and 60.

The Examiner rejected claims 8, 27 and 46 under 35 U.S.C. § 103(a) as being unpatentable over Barker-Lucent, Bowman and CORBA/TMN in view of Official Notice. Applicants respectfully traverse this rejection of at least the reasons below.

In regard to claims 8, 27 and 46, the Examiner takes official notice that "both the concept and advantages of providing [an] object corresponding to a telephone network is well known and expected in the art." Pursuant to M.P.E.P. § 2144.03, Applicant traverses the Examiner's taking of Official Notice in regard to the specific combination of features recited in claims 8, 27 and 46. Applicant asserts that it was not well known in the prior art for a gateway coupled to a plurality of managed objects and which is configured to deliver events generated by the managed objects to one or more managers or to deliver one or more requests generated by the one or more managers to one or more of the managed objects and wherein the gateway is configured to provide object-level access control between the one or more managers and the managed objects, wherein the managed objects comprise one or more objects corresponding to a telephone network. Pursuant to M.P.E.P. § 2144.03 Applicant asserts that "the examiner must provide documentary evidence in the next Office action if the rejection is to be maintained. *See also* 37 CFR 1.104(c)(2), (d)(2) and *In re Zurko*, 258 F.3d 1379, 1386 (Fed. Cir. 2001).

Furthermore, the Examiner's stated motivation to combine the teachings of his Official Notice with the other cited references is completely conclusory and not supported by any evidence of record. Thus, the rejection of claims 8, 27 and 46 is improper and removal thereof is respectfully requested.

The Examiner rejected claims 2-4, 10, 21-23, 29, 40-42, 48 and 61-63 under 35 U.S.C. § 103(a) as being unpatentable over Barker, Bowman and CORBA/TMN in view of Olden (U.S. Patent 6,460,141). Applicants respectfully traverse the rejection of independent claims 61-63 for at least the reasons below. Applicants traverse the rejection of dependent claims 2-4, 10, 21-23, 29, 40-42, and 48 for at least reasons provided above regarding their respective independent claims.

Regarding claim 61, the combination of Barker, Bowman, CORBA/TMN and Olden does not teach or suggest wherein the gateway is configurable to provide object-level access control between the one or more managers and the managed objects to receive the one or more events from or to send the one or more requests to the managed objects, wherein said object-level access control is provided by the Request SAP object at an individual object level so that one of the one or more managers is granted access to one of the managed objects while being prevented from interfacing with a different one of the managed objects. As illustrated above regarding the rejection of claim 1, no combination of Barker, Bowman and CORBA/TMN teaches or suggests a gateway providing object-level access control. Please refer to the remarks regarding the rejection of claim 1 above for a more detailed discussion regarding how the Examiner's combination of Barker, Bowman and CORBA/TMN fails to teach or suggest a gateway configurable to provide object-level access control. As Olden fails to overcome any of the deficiencies of Baker, Bowman and CORBA/TMN, the combination of Barker, Bowman, CORBA/TMN and Olden also fail to teach or suggest a gateway configurable to provide object-level access control.

Additionally, the combination of Barker, Bowman, CORBA/TMN and Olden does not teach or suggest wherein each of the events and each of the requests include a user identification, wherein the user identification identifies the respective manager to which the event or the request belongs. Nowhere do Barker, Bowman, CORBA/TMN and Olden, whether considered singly or in combination, teach or suggest including user identification in each event and request. Since none of the cited prior art teaches or suggests anything about Thus, the Examiner's combination of Barker, Bowman, CORBA/TMN and Olden also fails to teach or suggest anything regarding events and requests including user identification that identifies the respective manager to which the event or the request belongs.

Furthermore, the Examiner has failed to provide a proper motivation to combine the teachings of Barker, Bowman and CORBA/TMN, as discussed above regarding the rejection of claim 1. Similarly, the Examiner has failed to provide a proper motivation to combine the teachings of Barker, Bowman and CORBA/TMN with the teachings of Olden. The Examiner again just states his desired result of the combination of Barker, Bowman, CORBA/TMN and Olden without actually stating any suggestion or motivation to combine the teachings supported by evidence of record.

Thus for at least the reasons above, the Examiner has failed to provide a *prima facie* rejection of claim 61.

Regarding claim 62, the Examiner's combination of Barker, Bowman, CORBA/TMN and Olden fails to teach or suggest determining on a managed object level whether or not the manager application is allowed to receive an event generated by one of a plurality of managed objects or to send a request to the one of the plurality of managed objects as a function of the identity of the user of the manager application. As illustrated above regarding the rejection of claim 20, no combination of Barker, Bowman and CORBA/TMN teaches or suggests determining on a managed object level whether or not the manager application is allowed to receive an event generated by one of a plurality of managed objects or to send a request to the one of the plurality of managed objects as a

function of the identity of the user of the manager application. Please refer to the remarks regarding the rejection of claim 20 above for a more detailed discussion regarding how the Examiner's combination of Barker, Bowman and CORBA/TMN fails to teach or suggest determining on a managed object level whether or not the manager application is allowed to receive an event generated by one of a plurality of managed objects or to send a request to the one of the plurality of managed objects as a function of the identity of the user of the manager application. As Olden fails to overcome any of the deficiencies of Baker, Bowman and CORBA/TMN, the combination of Barker, Bowman, CORBA/TMN and Olden also fail to teach or suggest determining on a managed object level whether or not the manager application is allowed to receive an event generated by one of a plurality of managed objects or to send a request to the one of the plurality of managed objects as a function of the identity of the user of the manager application.

Additionally, the combination of Barker, Bowman, CORBA/TMN and Olden fails to teach or suggest where the event and the request include a user identification, wherein the user identification identifies the manager application to which the event or the request belongs. As described above regarding the rejection of claim 61, nowhere does Barker, Bowman, CORBA/TMN or Olden, mention including user identification in each event and request. Thus, the Examiner's combination of Barker, Bowman, CORBA/TMN and Olden also fails to teach or suggest anything regarding events and requests including user identification that identifies the respective manager to which the event or the request belongs.

For at least the reasons given above, the rejection of claim 62 is not supported by the prior art and its removal is respectfully requested. Similar remarks as discussed above in regard to claim 62 apply to claim 63.

The Examiner rejected claims 11-15, 30-34 and 49-53 under 35 U.S.C. § 103(a) as being unpatentable over Barker-Lucent, Bowman, CORBA/TMN and Olden in view of Official Notice. Applicants respectfully traverse this rejection for at least the reasons

presented regarding their respective independent claims.

In further regard to claims 11-15, 30-34 and 49-53, the Examiner takes official notice that "both the concept and advantages of providing access to a logging service, to log an ID of a user, to log an ID of the object is well known and expected in the art." Pursuant to M.P.E.P. § 2144.03, Applicant traverses the Examiner's taking of official notice in regard to the specific combination of features recited in these claims. Applicants assert that it was not well known in the prior art for a gateway that provides object-level access control to provide access to a logging service, to log an ID of user or to log an ID of a managed object. In fact, as admitted by the Examiner, Barker-lucent, Bowman and CORBA/TMN all fail to teach providing access to a logging service, to log an ID of user or to log an ID of a managed object. Pursuant to M.P.E.P. § 2144.03 Applicant asserts that "the examiner must provide documentary evidence in the next Office action if the rejection is to be maintained. *See also* 37 CFR 1.104(c)(2), (d)(2) and *In re Zurko*, 258 F.3d 1379, 1386 (Fed. Cir. 2001). Furthermore, the Examiner's stated motivation to combine the teachings of his Official Notice with the other cited references is completely conclusory and not supported by any evidence of record.

The Examiner rejected claims 18, 19, 37, 38, 56 and 57 under 35 U.S.C. § 103(a) as being unpatentable over Barker-Lucent, Bowman and CORBA/TMN in view of Hearne et al. (U.S. Publication 2001/0052113) (hereinafter "Hearne") and in view of Solstice Enterprise Manager 4.1 Managing Your Network (hereinafter "SUN"). Applicants traverse this rejection for at least the reasons presented regarding their respective independent claims.

Regarding all of the rejections, Applicant also asserts that numerous ones of the dependent claims recite further distinctions over the cited art. However, since the rejections have been shown to be unsupported for the independent claims, a further discussion of the dependent claims is not necessary at this time.

Section 102(e) Rejection:

The Examiner rejected claims 58-63 under 35 U.S.C. § 102(e) as being anticipated by Vuong et al. (U.S. Patent 6,430,578) (hereinafter "Vuong") and Spencer (U.S. Patent 6,253,243). Applicants respectfully traverse this rejection for at least the reasons presented below.

Regarding claim 58, contrary to the Examiner's assertion, Vuong fails to disclose a gateway which is coupled to a plurality of managed objects and which is configured to deliver events generated by the managed objects to one or more managers or to deliver requests generated by the managers to one or more of the managed objects. Vuong teaches a naming service that provides unique identifiers and addresses for processes on a computer network. Vuong's name service includes a database of the identifiers and addresses and the name service responds to queries by searching the database and returning any results. (Vuong, Abstract; column 2, lines 7-15).

The Examiner cites column 5, line 57 – column 6, line 23. However, the cited passage describes how Vuong's name service accepts names from agents on the computer network and, after determining whether or not the name is unique, either adds the agent's name to the name service's database or sends a "refuse request" message to the agent. The cited passage does not mention any gateway coupled to a plurality of managed objects. Database entries are not managed objects, as managed objects are understood in the art. Presumably the Examiner interprets Vuong's name service as a gateway. However, Vuong's name service is not coupled to a plurality of managed objects. Instead, Vuong's name service merely handles requests to add names to as well as queries to retrieve information from the name service's database. Even if one could interpret Vuong's name service database as a managed object, which Applicants maintain one cannot, the database is clearly not managed by the requesting agents. Merely requesting that a name and/or address be inserted as an entry into the database does not constitute *managing* the database. Clearly Vuong's name service manages the database.

In fact, Vuong very clearly states, "Name Service 112 *maintains* a database holding identification and addressing information" and "the database *controlled by* the Name service is an object-oriented database" (emphasis added, Vuong, column 3, lines 57-63). Thus, Vuong teaches that his name service controls and maintains the database.

Additionally, agents registering their names with Vuong's name service are not managers and do not generate requests to managed objects. Instead, Vuong's agents merely request that their name (and address) be included in the name service's database. Vuong does not teach that an agent registering its name with the name service is a manager generating requests to a managed object. Instead, as noted above, Vuong's name service maintains and controls the database.

Vuong also fails to disclose a gateway configurable to provide object-level access control between the managers and the managed objects. The Examiner cites column 2, lines 26-52 and column 6, lines 42-59 of Vuong. The first cited passage provides an introduction to Vuong's name service for "managing names and identities of processes running on a computer network" (Vuong, column 2, lines 26-28). This passage further describes how Vuong's name service includes a receiver that accepts a name from a process on the computer network and a comparator configured to determine whether the process is a component of the computer management infrastructure for the computer network. The second cited passage (Vuong, column 6, lines 42-59) describes the ability of Vuong's name service to respond to "relatively sophisticated queries." For example, Vuong's query syntax supports prefixes, suffixes, infixes, and full or partial names using wildcards. This passage further describes how registered entities may receive updates or changes made to the name service's database. However, nowhere in either cited passage, nor in fact in the entire Vuong reference, is there any mention of a gateway configured to provide *object-level access control* between managers and managed objects.

Instead, Vuong provides a name service that collects, maintains, and disseminates unique identifiers and addresses for processes on a computer network. Providing identifiers and addresses for processes on a computer network is clearly not the same as

providing object-level access control between managers and managed objects. Vuong does not mention any sort of access control in his name service. The Examiner seems to be implying that any form of object-level access necessarily includes object-level access *control* at the individual object level. However, object-level access can be provided with or without imposing object-level access *control*. Vuong does not disclose or complete any form of access control.

Furthermore, Vuong fails to disclose wherein the object-level access control is provided at the individual object level so that one of the managers is granted access to one of the managed objects while being prevented from interfacing with a different one of the managed objects. The Examiner again cites column 2, lines 26-52 and column 6, lines 42-59 of Vuong. However, neither of these passages mentions anything regarding a agent, which the Examiner is presumably interpreting as a manager, being granted access to one database entry, which the Examiner is presumably interpreting as a managed object, while being prevented from interfacing with a different one of the database entries. Instead, the cited passages describe how Vuong's name service responds to queries. Vuong doesn't mention anything regarding preventing access to his database on an entry-level basis.

Thus, for at least the reasons presented above, the rejection of claim 58 is not supported by the prior art and removal thereof is respectfully requested.

Regarding claim 59, Vuong fails to disclose determining on a managed object level whether or not the manager application is allowed to receive an event generated by one of a plurality of managed objects or to send a request to the one of the plurality of managed objects as a function of the identity of the user of the manager application. The Examiner cites column 7, lines 9-32. However, the cited reference has absolutely no relevance to determining, as a function of the identity of a user of the manager application whether or not the manager application is allowed to receive an event generated by or to send a request to one of a plurality of managed object. Instead, the cited reference merely describes how an agent, or other entity on the computer network,

can de-register with Vuong's name service and thereby remove its name from the name service's database. The cited reference makes not mention to determining whether or the requesting agent can access a managed object. Even if one interprets the entries of Vuong's database as managed object, which Applicants maintain one cannot, the cited passage still does not disclose anything regarding determining whether or not the de-registering agent can access the database entry. Instead, Vuong teaches only that the name service checks the agent's name against the database and if it is found, the entry is removed.

Vuong also fails to disclose whereby access for the manager application to receive the event or send the request is approved or denied for said one of the plurality of managed objects at the individual object level so that the manager application is granted access to one of the plurality of managed objects while being prevented from interfacing with a different one of the plurality of managed objects, contrary to the Examiner contention. The Examiner cites column 8, lines 21-42 of Vuong. Applicants can see no relevance of the cited passage. The cited passage discusses the "various devices and entities" that reside on and communicate over a computer network. Vuong mentions devices and entities such as client computers, data storage devices, modems, printers, hubs, routers, packet switches, hosts, and bridges. The cited passage is, however, completely silent regarding approving or denying access for a manager application at an individual object level so that the manager application is granted access to one while being prevented from interfacing with a different one of a plurality of managed objects. The Examiner seems to be arguing that merely listing various devices that may reside and communicate on a computer network implies providing such access control at an individual object level. The Examiner is clearly inserting his own assumptions into Vuong's system through hindsight speculation.

Thus, for at least the reasons presented above, the rejection of claim 59 is not supported by the prior art and removal thereof is respectfully requested. Similar remarks as those above regarding claim 59 also apply to claim 60.

Regarding claim 61, contrary to the Examiner's assertion, Vuong fails to disclose a gateway which is coupled between a plurality of managed objects and a plurality of proxy agent managers; and which is configured to deliver events generated by the managed objects to one or more managers or to deliver requests generated by the managers to one or more of the managed objects. Vuong teaches naming service that provides unique identifiers and addresses for processes on a computer network. Vuong's name service includes a database of the identifiers and addresses and the name service response to queries by searching the database and returning any results. (Vuong, Abstract; column 2, lines 7-15). The Examiner cites column 5, line 57 – column 6, line 23. However, the cited passage describes how Vuong's name service accepts names from agents on the computer network and, after determining whether or not the name is unique, either adds the agent's name to the name service's database or sends a "refuse request" message to the agent. The cited passage does not mention any gateway coupled to a plurality of managed objects. Database entries are not managed objects, as managed objects are understood in the art. Presumably the Examiner interprets Vuong's name service as a gateway. However, Vuong's name service is not coupled between a plurality of managed objects and a plurality of proxy agent managers. Instead, Vuong's name service merely responds to requests to add to and queries to retrieve information from the name service's database. Even if one could interpret Vuong's name service as a managed object, which applicants maintain one cannot, the database is clearly not managed by the requesting agents. Merely requesting that a name and/or address be inserted as an entry into the database does not constitute managing the database. Clearly Vuong's name service managed the database. In fact, Vuong very clearly states, "Name Service 112 *maintains* a database holding identification and addressing information" and "the database *controlled by* the Name service is an object-oriented database" (emphasis added, Vuong, column 3, lines 57-63). Thus, Vuong teaches that his name service controls and maintains the database.

Vuong further fails to disclose wherein each of the events and each of the requests include a user identification, wherein the user identification identifies the respective manager to which the event or the request belongs.

Vuong also fails to disclose a gateway configurable to provide object-level access control between the managers and the managed objects. The Examiner cites column 2, lines 26-52 and column 6, lines 42-59 of Vuong. The first cited passage provides an introduction to Vuong's name service for "managing names and identities of processes running on a computer network" (Vuong, column 2, lines 26-28). This passage further describes how Vuong's name service includes a receiver that accepts a name from a process on the computer network and a comparator configured to determine whether the process is a component of the computer management infrastructure for the computer network. The second cited passage (Vuong, column 6, lines 42-59) describes the ability of Vuong's name service to respond to "relatively sophisticated queries." For example, Vuong's query syntax supports prefixes, suffixes, infixed, and full or partial names using wildcards. This passage further describes how registered entities may receive updates or changes made to the name service's database.

Nowhere in either cited passage, nor in fact in the entire Vuong reference, is there any mention of a gateway configured to provide object-level access control between managers and managed objects. Instead, Vuong provides a name service that collects, maintains, and disseminates unique identifiers and addresses for processes on a computer network. Providing identifiers and addresses for processes on a computer network is clearly not the same as providing object-level access control between managers and managed objects. Vuong does not mention any sort of access control in his name service. The Examiner seems to be implying that any form of object-level access necessarily includes object-level access *control*. However, object-level access can be provided with or without imposing *access control*. In Vuong, no form of access control is disclosed or contemplated.

Vuong also fails to mention anything regarding wherein the managers share a singleton Request Service Access Point (Request SAP) object.

Furthermore, Vuong fails to disclose wherein the object-level access control is provided by the Request SAP object at the individual object level so that one of the managers is granted access to one of the managed objects while being prevented from interfacing with a different one of the managed objects. The Examiner again cites column 2, lines 26-52 and column 6, lines 42-59 of Vuong. However, neither of these passages mentions anything regarding a agent, which the Examiner is presumably interpreting as a manager, being granted access to one database entry, which the Examiner is presumably interpreting as a managed object, while being prevented from interfacing with a different one of the database entries. Instead, the cited passages describe how Vuong's name service responds to queries. Vuong doesn't mention anything regarding preventing access to his database on an entry-level basis.

Thus, for at least the reasons presented above, the rejection of claim 61 is not supported by the prior art and removal thereof is respectfully requested.

Regarding claim 62, Vuong fails to disclose determining on a managed object level whether or not the manager application is allowed to receive an event generated by one of a plurality of managed objects or to send a request to the one of the plurality of managed objects as a function of the identity of the user of the manager application. The Examiner cites column 7, lines 9-32. However, the cited reference has absolutely no relevance to determining, as a function of the identity of a user of the manager application whether or not the manager application is allowed to receive an event generated by or to send a request to one of a plurality of managed object. Instead, the cited reference merely describes how an agent, or other entity on the computer network, can de-register with Vuong's name service and thereby remove its name from the name service's database. The cited reference makes not mention to determining whether or the requesting agent can access a managed object. Even if one interprets the entries of Vuong's database as managed object, which applicants maintain one cannot, the cited passage still does not disclose anything regarding determining whether or not the de-registering agent can access the database entry. Instead, Vuong teaches only that the

name service checks the agent's name against the database and if it is found, the entry is removed.

Vuong also fails to disclose whereby access for the manager application to receive the event or send the request is approved or denied for said one of the plurality of managed objects by a singleton Request Service Access Point (Request SAP) at the individual object level so that the manager application is granted access to one of the plurality of managed objects while being prevented from interfacing with a different one of the plurality of managed objects, contrary to the Examiner contention. The Examiner cites column 8, lines 21-42 of Vuong. Applicants can see no relevance of the cited passage. The cited passage discusses the "various devices and entities" that reside on and communicate over a computer network. Vuong mentions devices and entities such as client computers, data storage devices, modems, printers, hubs, routers, packet switches, hosts, and bridges. The cited passage is, however, completely silent regarding approving or denying access for a manager application at an individual object level so that the manager application is granted access to one while being prevented from interfacing with a different one of a plurality of managed objects. The Examiner seems to be arguing that merely listed various devices that may reside and communicate on a computer network implies providing such access control at an individual object level. The Examiner is clearly inserting his own assumptions and speculation into Vuong's system in hindsight.

Furthermore, Vuong fails to disclose wherein the event and the request include a user identification, wherein the user identification identifies the manager application to which the event or the request belongs. Nowhere does Vuong mention including user identification in each event and request. Vuong also fails to mention anything regarding object-level access control provided by a Request SAP object. The Examiner does not cite any portion of Vuong that teaches that object-level access control is provided by a Request SAP object.

Thus, the rejection of claim 62 is not supported by the cited prior art and removal thereof is respectfully requested. Similar remarks as those above regarding claim 62 also apply to claim 63.

Examiner's Proposed Amendments:

The Examiner, in both the Final Action of February 10, 2005 and a facsimile communication dated January 20, 2005, has suggested certain amendments to speed up prosecution of the present case. Correspondingly, Applicants have amended claims 61-63 to include the features suggested by the Examiner on pages 19 and 20 of the Final Action of February 10, 2005. Applicants assert that claims 61-63 are in condition for allowance.

CONCLUSION

Applicants submit the application is in condition for allowance, and notice to that effect is respectfully requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above-referenced application from becoming abandoned, Applicant(s) hereby petition for such an extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5181-48400/RCK.

Also enclosed herewith are the following items:

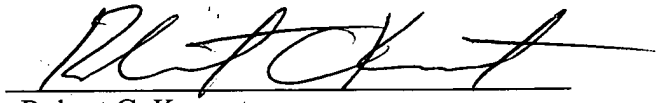
☒ Return Receipt Postcard

☐ Petition for Extension of Time

☐ Notice of Change of Address

☐ Other:

Respectfully submitted,



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Date: January 19, 2006